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DISCUS DENTAL, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

BRITESMILE, INC. and BRITESMILE  
DEVELOPMENT, INC.,

Plaintiffs,,

v.

DISCUS DENTAL, INC., SALIM NATHOO,  
and ORAL HEALTH CLINICAL SERVICES,  
LLC.,

Defendants.

AND ALL RELATED ACTIONS.

Case No. C02-03220 JSW

**JOINT STIPULATION  
REGARDING BRIEFING  
SCHEDULE ON BRITESMILE'S  
MOTION TO DISMISS DISCUS  
DENTAL'S COUNTERCLAIM  
COUNTS IV-XII**

**~~[PROPOSED]~~ ORDER**

Hearing Date: Nov. 4, 2005, 9:00 am  
Place: Courtroom 2, 17<sup>th</sup> Floor  
Judge: Jeffrey S. White

1 BriteSmile and Discus Dental, pursuant to Fed. R. Civ. P. 6(b) and the Court's  
 2 Order of July 28, 2005, and by and through their undersigned counsel of record, hereby stipulate  
 3 and request an extension of the briefing schedule on BriteSmile's motion to dismiss Discus  
 4 Dental's Counterclaim Counts IV-XII, currently set for hearing on November 4, 2005. In  
 5 accordance with the Order of July 28 (Docket No. 372), Discus Dental's opposition is due on  
 6 August 19, 2005, and BriteSmile's reply, if any, is due on August 26, 2005. The parties stipulate  
 7 and request an extension such that Discus Dental's opposition shall be due on September 16,  
 8 2005 and BriteSmile's reply, if any, shall be due on September 23, 2005.

9 Ongoing settlement negotiations have, within the last few days, progressed to the  
 10 point where this reasonable extension for filing an opposition to, and reply in support of,  
 11 BriteSmile's motion to dismiss certain of Discus's counterclaims will allow the parties and their  
 12 counsel to focus on settlement discussions. These extensions should not affect, and the parties do  
 13 not request a continuance of, the hearing date, currently set for November 4, 2005.

14  
 15 Dated: August 17, 2005

Dated: August 17, 2005

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 17 \_\_\_\_\_/s/\_\_\_\_\_  
 18 Darin J. Glasser, Esq.  
 19 O'Melveny & Myers LLP  
 Attorneys for Defendant Discus Dental, Inc.

\_\_\_\_\_/s/\_\_\_\_\_  
 Shirish Gupta, Esq.  
 MAYER, BROWN, ROWE & MAW LLP  
 Attorneys for Plaintiff BriteSmile, Inc.  
 and BriteSmile Development, Inc.

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 25 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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 27 \_\_\_\_\_  
 28 August 18, 2005

Date

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 Honorable Jeffrey S. White